

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zitting et al.

Serial No.: 10/757,774

Filed: January 15, 2004

For: SLEEVE ELEMENT HAVING A
BIASABLE END REGION, APPARATUS
INCLUDING SAME, AND METHOD OF
USE

Confirmation No.: 5475

Examiner: G. Lee

Group Art Unit: 3673

Attorney Docket No.: 2822-6022US
(01-2)

Notice of Allowance mailed:

September 17, 2007

**VIA ELECTRONIC FILING
DECEMBER 17, 2007**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed September 17, 2007, and sets forth Applicants' comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

The prior art of record fails to disclose a sleeve element comprising an annular body wherein the first end region is configured to be biased laterally in a first direction into at least one recess, at least one sealing feature configured to be biased laterally into a laterally adjacent recess, a second sealing feature, configured to be biased laterally into the second recess; and at least one depression formed in at least one of the outer surface and the inner surface, wherein the at least one depression includes a first depression and a second depression. The closest prior art, Kawai et al. (US Patent No. 5,050,892), fails to disclose the at least one depression including a first and a second depression and there is no motivation, absent the applicant's own disclosure, to modify the Kawai et al. reference in the manner required by the claims.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley B. Jensen", followed by a horizontal line.

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Date: December 17, 2007
BBJ/dn:cw
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